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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 1304/2018**

KIRAN DEVI

..... Petitioner

Represented by: **Mr. M.A. Rahman and Mr. A. Kalam, Advocates.**

versus

THE STATE OF DELHI &ORS

..... Respondents

Represented by: **Mr. Ashish Aggarwal,
Additional Standing Counsel
for State with SI Naveen Malik,
PS Aman Vihar.**

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

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01.05.2018

Crl. M.A. No. 7975/2018 (Exemption)

Allowed, subject to all just exceptions.

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1. Issue notice.
2. Learned Additional Standing Counsel accepts notice on behalf of the State/respondent Nos. 1 to 3.
3. By this petition the petitioner seeks directions to the respondent Nos. 2 and 3 to provide protection to the petitioner and take action against the accused persons.
4. A status report has been handed over which is taken on record.
5. As per the status report on 23rd March, 2018 a PCR call regarding quarrel was received which was recorded vide DD No.9PP at Police Post

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Prem Nagar, PS Aman Vihar, Delhi. SI Naveen Malik reached at the spot and on inquiry he was informed that both the injured were rushed to S.G.M. Hospital. At the hospital MLCs of injured Saroj s/o Baijnath and Ashok, s/o late Rajaram were collected. In his MLC Saroj and Ashok mentioned history of physical assault. Both the injured were asked to give their statements but neither of them gave any written statement, thus the PCR call was kept pending.

6. On 29th April, 2018 the petitioner herein, wife of injured Saroj gave her statement wherein she alleged that on 23rd March, 2018 her neighbour Ashok and his brother-in-law entered her house, assaulted her, tore her clothes and also beat her husband. On the basis of this complaint, FIR No. 363/2018 under Sections 323/354B/451/34 IPC was registered at PS Aman Vihar and investigation is being carried on.

7. On 30th April, 2018 wife of injured Ashok gave her statement wherein she stated that in April, 2014 her neighbour Saroj had borrowed ₹26,000/- on interest from them. Though he paid interest on the said amount till two months back, however, thereafter he did not pay the interest and on 23rd March, 2018 when she went to Saroj's house to take her amount back, he molested her and tore her clothes. Her husband and brother-in-law who tried to save her were also beaten. Thus on the statement of wife of injured Ashok FIR No. 368/2018 under Sections 323/354/354B/34 IPC was registered at PS Aman Vihar, Delhi.

8. Though the petitioner claims that the accused in the FIR registered on her complaint are BCs however, there is no other case except the above noted case against Ashok or any other family member.

9. Learned Additional Standing Counsel for State on instructions from the Investigating Officer, submits that against both the parties only one case as noted above is pending, which is the cross FIR.

10. Considering that in one incident both the parties received injuries and both parties levelled allegations against each other, this Court finds that there can be no apprehension to the petitioner warranting protection.

11. Petition is dismissed.

MUKTA GUPTA, J.

MAY 01, 2018

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